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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,647	07/23/2003	Yoshinobu Hosoi	116400	6901
25944	7590	01/12/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			SHIH, THEODORE C	
			ART UNIT	PAPER NUMBER
			3735	
DATE MAILED: 01/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

Office Action Summary	Application No.		Applicant(s)	
	10/624,647		HOSOI, YOSHINOBU	
	Examiner		Art Unit	
	Theodore C. Shih		3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton et al.'984 (US Patent 5,281,984) in view of Blenkle'362 (US Patent 5,220,362). Burton et al.'984 teaches a pair of right and left eye batteries (lens chamber units) (col. 4, lines 57-60), each including a test window and optical elements to be changeably disposed in the test window (col. 5, lines 9-15); a support unit which supports the lens chamber units so that the units may be converged (col. 4, lines 60-66); a support yoke (col. 4, line 63); a light guide system (illumination unit) that is provided near the test window of the lens chamber unit so that an illumination optical axis is almost parallel to an examination axis of the test window (col. 6, lines 58-61) and furthermore an illumination system housed within each lens chamber unit where light is propagated from a light source and is capable of illuminating a near vision chart (col. 6, lines 41-61).

Burton et al.'984 does not expressly teach a near vision examination chart. In the same field of endeavor, Blenkle'362 teaches a near vision examination chart to be disposed at a changeable distance from the test window (col. 4, lines 46-49). It would have been obvious to one having ordinary skill in the art at the time that the invention

Art Unit: 3735

was made to modify the ophthalmic apparatus as taught by Burton et al.'984 to incorporate the teachings of Blenkle'362 by combining the ophthalmic apparatus and the near vision examination chart since such a modification would allow the ophthalmic apparatus to support and deploy near vision examination charts during ophthalmic examinations. When arranged in such a manner, at least some of the light emitted by the light guide system would illuminate the chart due to propagation properties of light.

Allowable Subject Matter

Claims 3-6, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Burton et al.'984 uses an incandescent light bulb (col. 7, lines 19-20) and Blenkle'362 uses a light bulb and fiber optic as the light source (col. 4, lines 65-69). Also, Blenkle'362 teaches a mercury switch (col. 5, lines 40-45) to turn on and off its illumination unit for near vision examination. Furthermore, Blenkle'362 teaches a setting means for setting a near vision examination distance as the reading card holder is adjustable up and down the reading card rod (See Figure 4, 114 and 106) and a control means for controlling the illumination unit according to the set near vision examination distance (col. 6, lines 35-45). However, none of the prior art teaches or suggests, either alone or in combination an optometric apparatus including either a white LED light source; a white light source and infrared light source; switching means for switching an examination mode to a near vision examination mode and control

Art Unit: 3735

means for controlling the illumination unit according to the switching to the near vision examination mode; or setting means for setting a near vision examination distance and control means for controlling the illumination unit according to the set near vision examination distance, in combination with the other claimed elements.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore C. Shih whose telephone number is (571) 272-7234. The examiner can normally be reached on 8:30-5:00 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ali Imam can be reached on (571) 272-4737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ERIC F. WINAKUR
PRIMARY EXAMINER